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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 21-mj-71720 MAG |
| |) | |
| Plaintiff, |) | DETENTION ORDER |
| |) | |
| v. |) | |
| |) | |
| GREGORY SMITH, |) | |
| |) | |
| Defendant. |) | |

On November 1, 2021, the defendant, Gregory Smith, was charged by complaint with distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). This matter came before the Court on November 18, 2021, for a detention hearing. The defendant was present and represented by Assistant Federal Defender Severa Keith. Assistant United States Attorney Neal C. Hong appeared for the government. The government moved for detention, and the defendant opposed. At the hearing, the parties submitted proffers and arguments regarding detention.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on the record, the Court finds by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the person as required and clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other

1 person or the community. Accordingly, the defendant must be detained pending trial in this matter.

2 The present order supplements the Court's findings and order at the detention hearing and serves
3 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
4 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its
5 conclusion: (1) the defendant's extensive criminal history; (2) the defendant's history of violating
6 conditions of community supervision; (3) the lack of any viable surety, most notably the refusal of the
7 defendant's mother to assist the defendant with bail; (4) the nature and circumstances of the charged
8 offense; and (5) the circumstances of the defendant's arrest.

9 This finding is made without prejudice to the defendant's right to seek review of defendant's
10 detention or file a motion for reconsideration if circumstances warrant it.

11 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

12 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
13 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
14 sentences or being held in custody pending appeal;

15 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
16 and

17 3. On order of a court of the United States or on request of an attorney for the government,
18 the person in charge of the corrections facility in which the defendant is confined shall deliver the
19 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
20 court proceeding.

21 IT IS SO ORDERED.

22
23 DATED: November 22, 2021

24 
25 HONORABLE KANDIS A. WESTMORE
26 United States Magistrate Judge
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